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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of Haiti

General context

1. Please specify whether the State party has included women's rights within the framework of its efforts to consolidate the rule of law. Please indicate whether the State party has taken into account the post-2015 development agenda to create the conditions necessary for global participation of women in sustainable development, climate change policies and natural resources management. Please describe, in particular, the measures taken to ensure the equal participation of women, including internally displaced women, at the decision-making level of post-earthquake management and reconstruction strategies and indicate whether it has incorporated a gender perspective into post-earthquake management and into its relief and recovery strategies. Please also indicate the measures planned to fully address the humanitarian situation of the victims of the earthquake, including internally displaced women, and to address their needs in terms of security and access to housing and health-care services. Please further indicate the measures taken and envisaged to support Haitian nationals seeking to regularize their situation in the Dominican Republic and to ensure that Haitian women deported to or voluntarily returning from the Dominican Republic are not victims of sexual violence, have access to basic services and benefit from reintegration measures in the State party.

Institutional and legislative framework and access to justice

2. Please describe the measures envisaged to develop a holistic approach aimed at eliminating discrimination against women in legislation and indicate a time frame for the adoption and enactment of any draft legislation relating to women's rights. Please provide information on the impediments faced by women in gaining access

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to justice and the measures taken to overcome them and indicate, in particular, the measures taken and envisaged to encourage women to report all acts of discrimination, including violence, and to provide free legal aid for women without sufficient means. Please provide information on the measures taken to provide capacity-building for professionals in the justice system, including judges, prosecutors and lawyers, on the provisions of the Convention and on the negative impact of stereotyping and preconceived notions of female behaviour, in line with general recommendation No. 33 on women's access to justice.

National machinery for the advancement of women

3. Please provide a time frame for the adoption of the gender equality bill; and information on the content of the national plan, 2014-2020, for gender equality, launched on 28 May 2015, and on the measures taken and envisaged to ensure its effective implementation. Please also indicate the measures envisaged to ensure that the national machinery for the advancement of women has adequate human, financial and technical resources at the national, regional, provincial and municipal levels. Please describe the measures taken to ensure the coordination and the optimal use of international funding for the promotion of women's rights. Please further indicate whether the extended mandate of the Inter-ministerial Committee on the Rights of the Person includes monitoring of the implementation of the Convention. Please also indicate whether the State party has developed a comprehensive data collection system concerning the situation of women.

Stereotypes and harmful practices

4. Please describe the measures envisaged to strengthen understanding of the equality of women and men and to work with the media in order to enhance a positive and non-stereotypical portrayal of women. Please indicate whether the State party envisages developing a comprehensive strategy to change social and cultural patterns and eliminate gender-based stereotypes.

Violence against women

5. Please indicate the measures taken to address the following issues of which the Committee has been informed:

(a) The widespread violence against women, including domestic violence, in the State party;

(b) The violence perpetrated by armed gangs;

(c) The increase in the number of rapes of women and girls;

(d) The violence against women perpetrated at the border with the Dominican Republic;

(e) The issue of impunity for cases of violence against women;

(f) The underreporting of rape, including in camps for internally displaced persons.

6. In the report (CEDAW/C/HTI/8-9),[1] reference is made to a national plan to combat violence against women (2012-2016) (para. 83). Given that the previous plan was focused on prevention, please indicate the content of this new plan, and in particular whether it includes measures to encourage women to report all acts of violence, including domestic violence; ensure the prosecution of perpetrators; provide victims with protection, remedies and rehabilitation; and provide capacity-building and awareness-raising programmes for the police, lawyers, health and social workers, the judiciary and the public at large. Please indicate the budget allocated to the implementation of the plan and the measures taken to coordinate such implementation. Please also indicate the measures taken and envisaged to increase the number of shelters for women who are victims of violence.

7. Please describe the steps taken to expedite the adoption of the bill on violence against women. Please indicate the measures taken or envisaged to adopt a legal definition of rape and incest and to specifically criminalize rape, incest and violence against women, including sexual harassment and marital rape. Please state whether a medical certificate is required, in law and in practice, to initiate criminal proceedings for rape. Please also indicate the measures envisaged to ensure that cases of violence against women, including rape and incest, are not referred to mediation or conciliation. Please describe the measures taken to encourage the reporting of cases of incest, ensure the punishment of perpetrators and increase the awareness of men and women of the unacceptability of incest.

Trafficking and exploitation of prostitution

8. Mention is made in the report of the adoption in 2014 of an act criminalizing human trafficking (para. 21). Please provide information on the measures taken and envisaged for the effective implementation of the legislation. Please indicate whether the State party envisages adopting a national action plan to combat the trafficking of persons, especially women and children. Please describe the measures taken, in particular, to address trafficking for the purposes of domestic servitude and forced prostitution. Please provide information on the measures taken and envisaged to systematically collect sex-disaggregated data on trafficking in persons and provide data on the number of victims, cases investigated, cases prosecuted, and convictions on the grounds of trafficking and sex tourism, in addition to the punishment of perpetrators. Please provide information on the conclusion of bilateral agreements with neighbouring countries, including the Dominican Republic, to prevent trafficking in persons and punish the perpetrators.

9. Please indicate the measures taken to provide educational and economic alternatives to prostitution, and to introduce exit programmes and rehabilitation and reintegration measures for women wishing to leave prostitution. Please also provide information on the direction and content of the draft decree reinforcing the legislative framework on prostitution, in view of articles 5 and 6 of the Convention.

Participation in political and public life

10. According to the report, an amendment to the Constitution published on 19 June 2012 provides for the principle of a 30 per cent quota for the representation of women at all levels of national life, in particular the public services. Please

[1] Unless otherwise indicated, paragraph numbers refer to the combined eighth and ninth periodic reports of the State party.

provide information on measures taken to ensure the effective implementation of this amendment in decision-making positions in the Government, the judiciary, the legislature, the civil service at the national, regional, provincial and municipal levels and the diplomatic service. It is stated that Parliament voted against the integration in the electoral law of a 30 per cent quota for the representation of women (para. 60). Please indicate the measures envisaged to raise awareness on the part of parliamentarians about the importance of the participation of women in decision-making.

Education

11. The absence of data on the enrolment and success rates of women at the tertiary level of education is mentioned in the report. Please indicate the measures taken or envisaged to collect such data. Please indicate the measures taken to reduce the dropout rates of girls, including the use of incentives for families through financial or food support. Please provide data on the disparity in access to education between urban and rural areas, including in camps for internally displaced persons. Please also indicate the measures envisaged to further increase the female literacy rate, in particular in rural areas. Please provide information on the effective implementation of free and universal primary education.

12. Please provide information on:

(a) The current situation in the State party regarding violence against, and sexual harassment of, girls in schools;

(b) The integration in the school curricula, at all levels of education, of age-appropriate education on sexual and reproductive health and rights;

(c) Stereotypical attitudes regarding the roles and responsibilities of women and men in textbooks, curricula and teacher training.

Employment

13. Please indicate the stage of enactment reached by the bill on domestic workers' labour conditions. Please describe the measures taken to protect women working in the informal sector, in particular to provide them with social benefits and to promote their integration into the formal labour force. Please indicate, in particular, the time frame for the adoption of the project offering a free health insurance card to workers in the informal sector. Please further specify whether the State party envisages adopting legal provisions prohibiting sexual harassment in the workplace and provide data on the number of reported cases of sexual harassment in the workplace and on the measures taken to prevent and punish such acts. Please indicate the measures envisaged to address the disproportionately high unemployment rate of women and reduce the wage gap between women and men, including by addressing the occupational segregation of women in the public and private sectors.

Health

14. Please indicate the measures envisaged to address the lack of an adequate budget allocated to the health sector; the lack of a sufficient number of skilled health personnel; the persisting lack of access to basic health-care services and essential obstetric care, in particular among rural women, caused in part by the cost

of medical care, the long distances to medical centres and the need for some women to have the consent of their spouse; and the high rates of teenage pregnancy. Please also describe the measures envisaged to involve women in ensuring basic health and hygiene practices and the prevention and management of epidemics.

15. The preparation of a bill to decriminalize abortion is mentioned (para. 88). Please indicate whether the bill legalizes abortion in cases of threat to the life and health of the mother, rape, incest and severe malformation of the foetus, and describe the measures taken and envisaged to expedite its adoption. Please indicate the measures taken to ensure that abortion is not used as a family planning measure. Please provide information on the measures envisaged to increase the availability and accessibility of comprehensive age-appropriate education on sexual and reproductive health and rights and family planning services and the rate of modern contraceptive use. Please also indicate the measures taken to address the disproportionately high number of women living with HIV, in particular women in prostitution.

Rural women

16. Please indicate the measures taken to enhance the economic empowerment of rural women and female heads of household, improve their access to health care and the labour market and ensure their participation in the development of policies and decision-making processes.

Disadvantaged groups of women

17. According to the report, women living in camps for internally displaced persons experience high rates of violence, and the Committee has been informed that the rates are increasing. Please provide data on acts of violence against women in such camps and indicate the measures taken to prevent such acts, to investigate them, to prosecute and punish perpetrators and to provide remedies to internally displaced women who are victims of violence. Mention is also made of the lack of access to appropriate obstetric medical care in camps. Please indicate the measures taken and envisaged to ensure that internally displaced women have access to basic health-care services.

18. Please provide information on the measures taken to prevent retaliation against women's rights defenders. In particular, please indicate the measures taken to address the situation of the co-directors of the Commission of Women Victims for Victims, Malya Villard Apollo and Eramithe Delva, who have reportedly been subjected to acts of intimidation and threats, as indicated in the 2014 report of the Independent Expert on the situation of human rights in Haiti (A/HRC/25/71).

19. Please provide information on the measures taken and envisaged to ensure that disadvantaged groups of women, including women living in poverty, rural women, women heads of household and women with disabilities (especially given the increase in the number of women with disabilities caused by the earthquake), have effective access to health-care services, education, water, sanitation, food, housing and income-generating activities. Please indicate the number of women in detention and specify whether there are separate facilities for men and women detainees and whether girls are separated from adult women, and convicted women from women in pretrial detention, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Marriage and family relations

20. Please provide information on the steps taken towards the adoption of the bill on the recognition of consensual unions and indicate whether the bill ensures that both parties in consensual unions have the same rights and responsibilities during the union and upon its dissolution.

Optional Protocol to the Convention and amendment to article 20 (1)

21. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention.